

City Council Special Called Meeting Transcript – 11/22/2016

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>> Mayor Adler: I will go ahead and call to order this special called meeting on Tuesday, November 22nd. The year is 2016. We are in the city council chambers at 301 west second street, Austin, Texas. The time is 2:12. We have two items on the agenda before us. One is an ordinance, that's item number 2, that would require seven votes for us to pass on all three readings today. The first one is a resolution of us. There being a necessary quorum, while other only two members are necessary for a quorum to canvass an election, we're going to proceed with this item number 1 to approve the resolution canvassing the results of the November 8, 2016 special and general municipal. There were 180,840 votes for and 112 -- 127,127 votes against proposition 1, the proposition 1 prevailed. In the general election the returns show that in the district 2 race there were 2941 votes for Casey Ramos, 2283 votes for Wesley Faulkner, and 9775 votes for Delia with Garza receiving the majority of all votes cast for city council district 2. In the district 4 race there were 1947 votes for Louis C. Heroniii, 2760 votes for Comacho, and 7328 votes for

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Greg Casar with Greg Casar receiving a majority of all votes for the city council district 4 spot. In the district 6 race there were 15,440 votes for James, Jimmy, Flannigan and 12,159 for don Zimmerman with James Flannigan receiving the majority. I feel like I'm calling a prize fight in the middle of the ring. >> You are doing a good job. >> Mayor Adler: District 7, 21470 votes for Leslie pool and 8400 votes for he-with pool receiving the majority of votes cast for district 7. In the district 10 race there were 17,559 votes for Sheri Gallo, 5137 vote for rob walker, 785 votes for Nicklaus veerdin and 12,943 votes for Allison alter. With Sheri Gallo and Allison alter receiving the highest number of votes but neither receiving a majority of all votes cast for the city council district 10 spot. Before we take a motion, is there anyone in the audience attempting here today who would like to be heard on this item? There being none, I will entertain a motion on number 1. I'm going to let Ms. Houston make that motion. I'm going to let Mr. Renteria second that motion. Neither being interested in or participating in either election. So -- >> I didn't know that. >> Mayor Adler: I don't think that's a rule. We're just doing that anyhow. Ms. Houston moves that we approve the resolution. Do you want to read this? >> Houston: Yes. I move we approve the

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resolution canvassing the returns for the November 8 special and general municipal election and declaring Delia Garza and Greg Casar as elected, James Jimmy Flannigan is elected, Leslie pool in district 7 is elected and declaring a runoff election between Sheri Gallo and Allison alter is necessary for district 10. >> Mayor Adler: Mr. Renteria seconds that motion. It's been moved and seconded. Is there any discussion on this resolution? Hearing none, let's take a vote. Those in favor of this item number 1 please raise your hand. Those opposed? It's unanimous on the dais. With councilmember Garza, Renteria, kitchen, pool, Gallo, Houston and myself present. My script says to ask for an audio vote. Is that necessary when I have just done what I did? I don't think it would be. That takes care of item number 1. That gets us then to item number 2, which is an ordinance approving a runoff election to be held in the city of Austin on December 13, 2016, for the purpose of electing a city councilmember for district 10, making provisions for the conduct of that election. Is there someone that will move item number 2? Yes, you can, Ms. Pool, moves item number 2. Is there a second? Mr. Renteria seconds that motion. Is there any discussion of this item? >> Is this the appropriate place? Okay. The city clerk's office has

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done a really good job in trying to work with Travis county to get voting locations established for this citywide election since it does include ACC, and one of the requests we had just so there's not a lot of voter confusion in the community is that we requested that all of the locations that were available as the mobile and election day and early voting locations be present and be included -- bless you -- and so I'm going to make an amendment that we just passed out to amend exhibit C, which is the early voting polling place to add randalls flag ship west lake hills at 3300 bee caves road as an early voting location as reasonably possible or other location within reason. And the reason is is in looking at the early voting locations there is not -- randalls west lake was an early voting location in the general election and it has not been included and there doesn't appear to be any other locations for early voting that are in close proximity to the large number of west lake residents. And then I would also amend exhibit a, election day polling places, to add the following locations as reasonably possible or other locations that would be suitable instead. The first one is laurel mountain elementary at 10111 bee cave ranch road, river place elementary at 25 -- excuse me, 6500cietro del Rio, Kathy carraway on oakville drive, 6007 -- that should be mount Bonnell road. And the reason for those is that in looking at the election day, some of these have been combined into other locations and as we looked at the turnout for general election, one of the locations

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where laurel mountain and Kathy carraway were added to the bluegrass fire station, there were over -- I believe there were 6,000 to 7,000 actual votes cast in those three precincts and the same was with river place, the precincts that voted at river place. So my concern is that we are -- we are eliminating some voting locations in high voter turnouts and so that would be the reason. And I've got the specific number, for example, in -- I guess we do need a second. >> Mayor Adler: There's been an amendment offered. Is there a second to that amendment? Ms. Kitchen seconds that amendment. I'm going to let you finish. Did you want to finish talking? >> Gallo: I was just going to give an example. So having the laurel mountain elementary and Kathy carraway elementary combined voting precincts combined with the bluegrass fire station, laurel mountain showed 1853 votes cast during the general election, Kathy carraway showed 2136, and the fire station had 2357. And so grand I'm sure that we're not going to have the same turnout for general election, but that's a large number of potential voters that would actually be voting at the fire station in the place where they are at -- the fire station is where they pull

one of the fire trucks out to give them space so it's a very small location to begin with. That would be the example of including those two, the river place location included a couple of other -- would include - it is now being pushed to bridge point and bridge point would actually carry four precincts now on election day. One of them had 1736 votes cast, the other one -- the

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other precinct had 1436, the third one had 641, and the fourth one had 2791. So once again they are totaling up to a large number of voters that would all be funneled if they chose to vote at that location, which they don't have to, but that is an elementary school with limited space. That's just some of the examples and the reason we felt like the potential was necessary to add those locations back in if it's possible for the clerk to do, and if not, then I'm sure the clerk's office and Travis county can find another suitable location to add to carry those precincts. >> Mayor Adler: Ms. Pool. To direct the question over to the city clerk. I know that when the county clerk goes out with her staff to identify locations that are willing to turn it over for voting, that they sometimes have difficulty in convincing, for example, grocery stores to make room for a polling place. Do we know -- can you -- do you know from your conversations with the county clerk or the efforts that you or your staff may have worked, do you know if the additional locations are available or was there a reason why there were fewer? I know it costs -- I mean we also have a fiscal impact for this and I'm not saying whether I'm for this or against it, I simply want to get a bigger picture of what it is that we're looking at. So the first question is what's the willingness of the different locations to allow us to have the activity there and then second would be is the fiscal -- what is the fiscal impact? >> So these locations, councilmember Gallo and I just had a conversation a half hour

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ago, so I have contacted Travis county to inquire about them, but Michael wren called me back and he's the director of elections for the Travis county clerk, and he was actually in court, which is why he didn't pick up his phone when I called him the first time. So I haven't been able to confirm if these locations are available or not or if they are ones that they contacted. I know there are some locations that they contacted initially to inquire about being a polling location, Ben Hur shrine center was one of them that wasn't available and so they had to find another alternate location in that area. So I will need to circle back with Mike will a and find out the specific answer on that question because I do not know that at this time. There will be a fiscal impact. Roughly off the top of my head each location for each day that it's open, my understanding is it's about \$1,000 a day for each location per day. So part of what we -- Travis county and I worked on was trying to negotiate with ACC, who is also in our runoff, and whose districts are at large versus a single-member district like the city. So logistically they have more territory and more voters in the runoff than we did. And so historically the way the cost for the runoff had been calculated is based on the size of your voting area and the number of voters. So ACC was going to be picking up between 75 and 80% of the cost because of the size. So they expressed a severe fiscal impact to their organization for picking up that large of a cost so we

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negotiated that we would pick up an equal share of the cost in order to keep the early voting sites at the 18 that Travis county had identified and recommended and the -- the 100 sites for election day. We have since then added six mobile sites that I told Travis county I'd be happy to pick up the tab for because we were adding those. I don't believe ACC was interested in having any mobile sites so we have

added six additional days from early voting mobile sites at five different facilities. So there is a fiscal impact. What I need to confirm with Michael and he was going to get back to me and I will call him as soon as we're done with this on what the possibility of him adding additional sites at this date. With the early voting and the election day what we need to do is get that locked down today because one of the factors that we're faced up against is publishing it in the newspaper. And because of the Thanksgiving holiday, the Austin American-Statesman staff that handled these types of notices, their offices are closed Thursday and Friday for Thanksgiving. And so they need typically about a week processing time to get it processed. And so we've actually already sent them a draft of the publication notice so that they could start proofing it for us so that notice gets locked down and published, we can't -- my understanding is we can't add additional early voting or election day sites. We can add additional early voting mobile sites because

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that's above and beyond service that we are providing that's not required. And that was kind of a long-winded answer to your question, but that's -- >> Pool: I think what we discovered this year is there were a number of issues that cropped up with assigning the date for the runoff including when early vote would start even. Is that correct? >> That is correct. And so this is our second December runoff. The first December runoff, of course, most of you know because you were in it was in 2014, so it was pretty much just another citywide election because we had the mayors at large, a number of councilmembers throughout the city. And so cost wasn't necessarily a factor between the school district and ACC, whoever was in the runoff with us. But I think logistically it would be very helpful at least to me, I don't know -- I won't speak for the staff at ACC and AISD, but it would be very helpful if the political bodies of the three organizations kind of had a meeting of the minds on what expectations and desires are for elections going forward that fall in December. Because logistically there are a lot of things that didn't occur with a runoff for a may election because we have Veterans Day, we have Thanksgiving, we have everybody trying to get out of town for, you know, the holidays, and it just creates a little more logistically nightmare when you have statutory deadlines to get certain things done in a time period. So I would really love your assistance in helping us kind of work that out so that we are consistent from runoff to runoff and not changing it each time we have a runoff. >> Pool: And the county clerk had some time frame

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situation or obstacles as well; is that right? The amount of time that the machines are down? >> That's true because they had to keep the results from November on the machines through canvassing, and because of the voter turnout it took the counties a little longer than probably if we had a may election to calculate and count all the provisional ballots and all of the absentee ballots. And so that pushes our date for canvassing back, which then kind of sets in a whole chain of pushing everything else back for us. >> Pool: And so if you could just for the pickup tell us what the dates for early voting -- >> The dates for early voting are December 9th -- or December 1st through December 9th. So it was a reduction from 12 days to nine days. And the hours will be 7:00 to 7:00 except on Sunday which is noon to 6:00. >> Pool: Thank you. Mayor, my feeling on the amendment is that -- >> Kitchen: I had some questions, please. I'm sorry, finish your thought. >> Pool: This may be fine but we can't lock our staff down into requiring that these sites be secured unless we can secure the agreement of the site. So I just want to make sure whatever language we have in the amendment isn't obliging the four elementaries and the Randalls on West Lake Hills. We still have to find out if it's possible. >> Mayor Adler: Are you comfortable with the language that says as reasonably possible? >> Yeah, because I think that gives me the flexibility to

contact the county, see what they can do and then as soon as I get a response I can let you know which ones we could

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or which ones we couldn't add. >> Pool: And I would be supportive of that. I just want to make sure that we're not putting our city clerk in a position of requiring something that we then can't get the agreement of the location. So if you feel like this has sufficient flexibility, then that's great. Thank you. >> Mayor Adler: Ms. Kitchen. >> Kitchen: Well, I just wanted to make sure I was understanding the cost. So that would be about \$4,000 for the additional four, because you said a thousand; is that right? >> Yes. >> Kitchen: Okay. >> And then the early voting would be a thousand times nine. >> Kitchen: 9,000 plus 4,000 would be 13,000. >> Yes. >> Kitchen: Okay. Thank you. >> Mayor Adler: Ms. Garza. >> Garza: Does an amendment require seven votes? >> Mayor Adler: The amendment does not require seven votes. The passage of the ordinance will require seven votes. >> Garza: I'm probably going to abstain from this only because I just feel a little uncomfortable, and this is just me, voting on a motion -- and I don't think there's any intent behind it or anything, but with any appearance of, you know, these specific sites being picked out and how that, you know, how those precincts voted and I just don't feel comfortable voting on something that I don't have a lot of information on at this time so I'm just going to abstain from this. >> Mayor Adler: And we'll also ask people in the public present if they want to speak to this as well. Yes, Ms. Kitchen. >> Kitchen: Maybe a little more information would be helpful. So -- so these four are existing polling places? I mean or were they polling places during the general? >> So I know the randalls flag ship was an early voting site. It is an election day polling

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site for the December 13th election day. The four were -- and I don't know off the top of my head if they were early voting or election day sites. I would have to compare the list. >> Gallo: Could I help you with that? >> Yes, but they have been used in the past. At least. >> Gallo: So as you said, the randalls west lake was both an early voting location and election day site, and it is one -- my concern with looking at the early election day sites is there is not one in the west lake area for early voting. Looking at the whole site there's nothing even close. So it was an early voting site and it was an election day site. The four other locations that would be added to the election day polling places were all election day polling places in the general election. And, you know, the concern that we have is that we want as many voters as we can to come out and vote and the less confusing to them the better. So that's number one is those are sites that they already know are their precinct voting sites. The other issue that was concerning to me is in looking at the locations that were left and the ones that were eliminated, we then forced a lot of precinct -- Travis county then forced a lot of precincts into one voting location. And when I look at numbers that are like if you total the precincts up and it's 5500 or 7,000, that's -- those were actual votes that were cast in those precincts. Where we voted we don't know because people can vote anywhere, but I do think it's important for us to be as least confusing as possible in this situation, and because these were voting locations in the general election, it just makes sense to me that we be able to offer them if we can. >> And one clarification. If for some reason I can't get

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it locked down with the county for these five locations as an early voting place for the nine days and election day, would it be acceptable to see if we can fit them in as mobile voting sites? Which might be easier for the -- I'm not going to speak -- but it's an option that might allow a little more flexibility. >>

Gallo: And I think you've worked hard to try to make this work in a fair and reasonable way that's less confusing as possible. We're already confusing the voters because we moved the early voting days and if we're also moving locations, you know, and there may be another location that's close by that can handle it also. I'm concerned about two things. One, voter confusion, and second that the volume of the votes that were cast in some of these precincts that were combined has the potential to overload those sites. So I think it's a combination of the two, but I think what you are asking is really reasonable, absolutely. >> Mayor Adler: My sense on the dais, if you can't do the physical location, then a mobile location would be sufficient. >> Pool: I think Ms. Houston had her hand up. >> Houston: Thank you, councilmember pool. I'm confused now. I thought exhibit C was for early voting and election day. And then the four in exhibit a were for election day only. Is that not correct? >> Mayor Adler: On the ordinance that's attached, there are five exhibits to it. Exhibit a to the ordinance that's been handed out -- >> Houston: Is that only for election day? >> Yes. >> Houston: On exhibit C, that's on early voting and election day. >> No, it's early voting and mobile sites. >> Houston: The randalls flag ship in west lake? >> Mayor Adler: C is just early voting places. >> Houston: What's what I'm trying to clarify. >> Pool: Because randalls in west lake was already

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included. >> Houston: Thank you, I understand it now. >> Mayor Adler: Ms. Pool. >> Pool: I take councilmember Garza's comments seriously and it makes me want to ask this question. If we add these additional sites, they are primarily in the south and west part of the district, are we missing some sites that were maybe closer to downtown east of mopac that we have eliminated or that we should bring them back too? I mean in order for it to be fair if we're looking at where large numbers of people voted, if that's one of the criteria for adding, have we looked at all the other sites that we're not going to have early vote or day of voting under the same scrutiny with the same criteria? >> I have not, but what I can tell you is at some point we'll have to stop adding because physically there's -- it becomes a point where -- I'm not sure we can add these now. So at some point the line has to be drawn and it is -- this is the list. >> Pool: I agree. We have to decide. But that does raise that question. >> Mayor Adler: Ms. Kitchen. >> Kitchen: I think it's a tough question all the way around because we're basically asking a district to have less than they had in the general, and, you know, it's not my district, I don't know which places it should be and which places it should not be. But at the same time I'm sympathetic. I know if this was my district, I would really -- I would really be concerned that all parts of the district have access like they did before during the general. So it's a tough -- it's tough for the rest of us to try to say where they should be or should not. From my perspective, the volume makes sense as a criteria. I think your question makes sense too. So -- so let me just ask an

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objective question. So it looks like we've got 26 precincts, without counting the four, and if you add the four that would be 30, if I'm understanding this correctly. I don't know how many precincts there are in district 10, but my goal would be to keep it as close as possible to the same as the general. So here's my question. If we added the four and so we had 30 on election day, how close is that to what was done during the general? >> I would have to go count. >> Kitchen: Okay. >> Mayor Adler: Let me get the other questions in first. Ms. Garza. >> Garza: It looks like there's 32 precincts. >> Kitchen: That answers my question. >> Garza: Why we're picking some over others is -- again, I don't live in the district, I don't know, why are we picking these four and not the other two. And so that's just -- but -- and I'll just be frank. If the other party is okay with these changes, it would make me feel better with regards to fairness and transparency. If the other side, if the other candidate believes this is a fair decision, then

I'm okay with this. But just the appearance, and again I know this is not the intent, the appearance that the councilmember that has interest in this race is moving specific voting locations makes me uncomfortable and I don't think there is ill intent there, it's just my personal feeling. >> Mayor Adler: I'm going to let Ms. Gallo respond and then I'm going to call for anyone out in the audience who would like to speak to this issue or make suggestions. Ms. Gallo. >> Gallo: Thank you. I think all of those were good questions, and councilmember pool, this was one of your questions. >> Kitchen: I'm sorry? >> Gallo: Councilmember

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pool, this will try to address her questions. Actually all of the original voting locations on voting day have been included in Travis county's list for election day voting sites except for these four that were left off. >> Kitchen: Okay. >> Gallo: And one location at Murchison that was unavailable so they added old quarry, and Ben Hur was not available. So to answer councilmember pool's question about picking and choosing, we're not picking and choosing. We just wanted as I mentioned to the clerk early on, our preference was to have every location that was open as an election day location be available during early voting. And when we looked at the list, four of them were eliminated and those are the four we're asking to be added back. >> Kitchen: So this is not picking and choosing. >> Gallo: It is just making sure we have the same list of voting locations that we had during the general election. >> Kitchen: >> Mayor Adler: I'm now going to see if there's anyone present here today in the audience who would like to come and address the council. That's fine. Introduce yourself. >> Sure, Allison Alter, other candidate in the runoff. Since I just received this sheet I may have a couple questions before I proceed. First of all, I do agree we want to make the voting as simple and as open for the voters as well and have already expressed our concern that the shrine was not available, which they're just not available so there's not much we can do about that. I just want to understand here, so the -- understand here, the exhibit C is adding an early voting location to the Randall's Westlake, which is

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not in district 10, at least the location. Correct me if I'm wrong. But there are people from district 10 who do vote over there. But then the other one is adding those four as election day locations. Not having memorized the list since we only received the list this morning, I'm not really in a position to say that I agree with these four, if there are any other ones. If these are the only four that are eliminated from the election day, that can be reinstated, then I will be comfortable with them being reinstated. If there are other locations, though, I think that it would be better to allow the clerk to have a say in deciding that rather than for us to be determining it on the dais. For instance, I just asked her, you know, about some other locations, and I just don't have that information to be able to tell you if -- you know, for instance, all of the precincts that were, you know, east of Mopac, whether those all have their same election day locations as well. But I do share the sentiment that we want to have as many voters to have access and that it is problematic if d10 does not have access in early voting to as many places as possible. But that's about where I can say at this point unless I have a little more -- I can see the sheet with it on it. That might be -- >> Mayor Adler: Do we get to where we need to get to? >> One option would be to allow the clerk to try to maximize this within reason for when they can do that and I'd be happy to, you know, take a look at that with councilmember Gallo and see. >> Mayor Adler: Tell me this. Do we get to where we want to get to by saying that we want to add to the list of election day polling places those locations that were election day polling places in the

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November election, which includes these four, but may include others, as reasonably possible, done by the clerk? That would allow the clerk one or two or three or eight, get identified tomorrow to also have authorization and the request to open those. Question? Yes, Ms. Pool. >> Pool: I think that sounds like a reasonable accommodation. I would ask that we put the fact that the mega center that was at Shriner's, if we're going to try to find locations that were included here, that was also excluded and has a large site that has lots of votes so I'd like to ask ben-err Shriner's to the list. >> I can't add it to the list because we also know -- the county contacted them initially and their facility is not available. They've already -- they already indicated to the county that their facility is not available for -- >> Pool: I get that. That does happen. Is there a replacement location? >> Mayor Adler: This is how I read the language here says these locations as reasonably possible or other location within reason. Which I think gives you the discretion, when you see it addresses, to see if you can get there. If you can't get there to get something close to there and comparable, if you can't get something else close to there and comparable you have the discretion to put a mobile -- I read that instruction to be read as broadly as that. So we could put the Ben shrine location on there because it may fall under categories two or three. In order, you might find an alternate location close by where it would enable you to put a mobile location there as you believe was practical and appropriate. >> Gallo: Mayor, just to address councilmember pool's

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concern about Ben Herr, the county did add old Corey library as an early voting location and so that would probably be where most of the people -- that's northwest hills it. Would be where most of the people came to vote from Ben Herr so I think they've tried to open up another location as a possibility to repeats Ben Herr. >> Mayor Adler: With respect to exhibit a, it would say that the clerk has requested to -- is requested to reopen all of the locations that were open on election day in the last election in November, including these four, including Ben Herr shrine, with the language here that says reasonably possible or other locations within reason. You comfortable with that? Is everybody here comfortable with that? You comfortable with that? If there's no objection, then, we're gonna substitute that out as the amendment. Okay. No objection. Then we've done that. This has been moved and seconded. Let's take a vote on the amendment. Those in favor of the amendment please raise your hand. Those opposed. It's all on the dais, which, again, is Garza, Renteria, kitchen, pool, Gallo, myself and Ms. Houston. Any further discussion on the ordinance? Let's take a vote. Those in favor please raise your hand. Those opposed. It passes with the same seven votes. Those were all the items on our agenda for today. Wish everybody a happy Thanksgiving. And we'll see you on the other side. Thank you. We stand adjourned. [Adjourned]